

## REMARKS

The present application includes pending claim 1-33, of which claims 1 and 29 have been amended as set forth above. It is respectfully submitted that the pending claims define allowable subject matter.

Claim 29 was objected to because of an informality. Claim 29 has been amended as set forth above to overcome this objection. The Applicant also notes that claim 1 has been amended to correct a minor typographical error.

Claims 1-9, 12, 13, 17, and 30-32 stand rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5,303,148 (Mattson). Claims 21, 22, and 26 stand rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 6,273,858 (Fox). Claims 10, 11, 15, 16, and 18-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Mattson in view of United States Patent No. 5,335,313 (Douglas). Claims 14 and 33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Mattson in view of Fox. Claims 23-25, and 27-29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Fox in view of Douglas. The Applicant respectfully traverses these rejections for the reasons set forth hereafter.

The Applicant first turns to the rejection of claims 1-9, 12, 13, 17, and 30-32 under 35 U.S.C. 102(b) as being anticipated by Mattson. Mattson “finds particular application in conjunction with the display and processing of non-invasive image data, such as MRI, CT, and analogous images....” *See* Mattson at column 1, lines 14-18. Mattson relates to a system for viewing diagnostic images.

The volume imaging apparatus responds to preselected electronic commands to display any selected slice through the volume, with or without some of the data removed, and the

like. *A speech processor synthesizes a user's speed pattern and derives corresponding text.* A command interpreter receives the text and determines corresponding commands to feed a system manager which controls the volume imager accordingly. That is, the command interpreter translates the text or command words as processed by the speech processor into the electronic controls signals that heretofore have been produced by an operator keyboard or the like. *The data from the volume imager selected by the commands is transferred to a video device, such as a video recorder or video display terminal or both. In response to the verbal commands, one or more images is called up from the volume imager for display and one or more of the displayed images is recorded.* *In accordance with a more limited aspect of the present invention, the speech processor further processes vocalizations of the speaker into descriptive text, which text is displayable on the video display or recordable by the video recorder.*

*Id.* at column 2, lines 15-38 (emphasis added).

Mattson discloses a system that allows one to use voice commands to “call up” image data already obtained by an imaging device. The voice commands are used to display the image data on an imaging display, or to send such image data to a video recorder. In particular, Mattson discloses a system that “simplifies the *use of diagnostic images* by radiologists, surgeons, and others.” *See id.* at column 2, lines 54-55 (emphasis added). Further, Mattson discloses a system that “provides for complete hands free control of *video displays and for recording video and speed supplied information.*” *See id.* at column 2, lines 59-62 (emphasis added). *See also id.* at column 3, lines 31-33 (“Although

the display on the monitor B may be controlled by a manual console C, a voice actuated control D is also provided.”).

Mattson, however, does not teach, nor suggest, *controlling* a medical device through voice commands. Instead, Mattson discloses a system of calling up image data previously obtained by a medical device through the use of voice commands. In other words, Mattson uses voice commands to view image data obtained from the medical device *after* the medical devices has been directed, operated, or controlled by a user. That is, Mattson does not teach, nor suggest, “directing a medical device to perform a function based on a voice command,” as recited, for example, in claim 1. Thus, the Applicant respectfully submits that Mattson does not anticipate claims 1-9, 12, 13, 17, and 30-32, and, therefore, these claims should be in condition for allowance.

The Applicant now turns to the rejection of claims 21, 22, and 26 under 35 U.S.C. 102(b) as being anticipated by Fox. Fox “relates generally to systems and method devices for providing radiation therapy and, more particularly, to systems and method for providing radiation therapy for the prevention of restenosis.” *See* Fox at column 1, lines 12-16. Fox discloses a “radiation planning and verification system” that includes a “treatment planner 20 and an imaging system 12.” *See id.* at column 7, lines 19-23. That is, the treatment planner is separate and distinct from the imaging system. Further, the “treatment planner 20 acquires the images from the IVUS system 12 and combines the transverse images to generate a three-dimensional image of the treatment volume.” *See id.* at column 7, lines 59-61.

The treatment planner, but not the imaging system, includes a controller that may receive voce commands.

The treatment planner 20 further includes a controller 54 for controlling the operation of the various elements within the treatment planner 20. The controller 54, for instance, receives commands or data supplied through the voice recognition unit 36 or through other devices, such as the keyboard 42 or mouse 44. The controller 54 also controls operation of the printer 50, video recorder 38, and monitor 40.

*Id.* at column 9, lines 13-21. As shown above, the voice recognition unit is only used with the treatment planner, but not the imaging system.

The voice recognition unit 34 of the treatment planner 20 allows the physician administering the treatment, who is dressed in sterile lab garb, to provide verbal commands to the treatment planner 20 *in order to control operations of the treatment planner 20*. The treatment planner 20 allows the patient 158 to remain at one location while the dose is calculated and while the optimal treatment plan is derived.

*Id.* at column 11, lines 22-28. Thus, Fox discloses a system that may use voice commands to control the treatment planner. However, Fox does not teach, nor suggest, controlling the imaging system, which is separate and distinct from the treatment planner, through voice commands.

Fox does not teach, nor suggest, a system for operating an interventional fluoroscopic imaging apparatus through voice commands, or a processing unit for directing said interventional fluoroscopic imaging apparatus to perform a function designated by a signal code representing a function identified by the voice command, as recited, for example, in claim 21 of the present application. The Applicants respectfully submit that Fox does not anticipate claims 21, 22 and 26, at least for these reasons. Thus, claims 21, 22 and 26 should be in condition for allowance.

The Applicant now turns to the rejection of claims 10, 11, 15, 16, and 18-20 under 35 U.S.C. 103(a) as being unpatentable over Mattson in view of Douglas. The Applicant respectfully submits that the combination of Mattson and Douglas does not render claims 10, 11, 15, 16, and 18-20 obvious at least for the reasons discussed above with respect to claims 1-9, 12, 13, 17, and 30-32.

The Applicant now turns to the rejection of claim 14 and 33 under 35 U.S.C. 103(a) as being unpatentable over Mattson in view of Fox. The Applicant respectfully submits that the combination of Mattson and Fox does not render claims 14 and 33 obvious at least for the reasons discussed above.

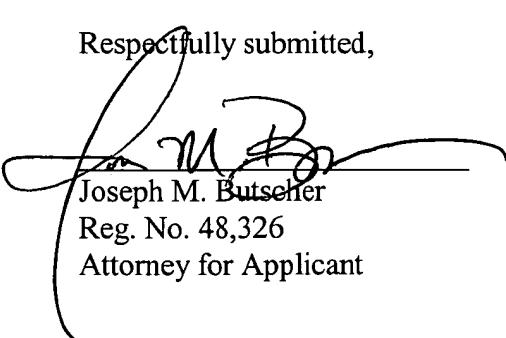
The Applicant now turns to the rejection of claims 23-25 and 27-29 under 35 U.S.C. 103(a) as being unpatentable over Fox in view of Douglas. The Applicant respectfully submits that the combination of Fox and Douglas does not render claims 23-25 and 27-29 obvious at least for the reasons discussed above.

In light of the above, the Applicant requests reconsideration of the rejections of the pending claims and look forward to working with the Examiner to resolve any remaining issues in the application. If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited to contact the Applicant. The Commissioner is authorized to charge any necessary fees or credit any overpayment to Deposit Account 07-0845.

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Respectfully submitted,



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